THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19991 OF 2006

DATED: 29TH SEPTEMBER, 2006.

Between :

1. Akhila Bharata Priyadarsini Scheduled Castes, Tribes & Backward Castes Federation, Visakhapatnam district, rep. by its General Secretary T. Subbarayudu; and another. .... Petitioners

And

1. The Government of Andhra Pradesh, rep. by its Secretary, Tribal Welfare Department, Secretariat, Hyderabad, and 4 others. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19991 OF 2006

ORDER :

This writ petition is filed seeking a declaration that the impugned action of the 5th respondent in directing the 3rd respondent – Mandal Revenue Officer to keep 68 Caste Certificates pertaining to Kuridi and Araku villages in abeyance and to conduct a *de novo* enquiry into the genuineness of the said certificates as arbitrary and illegal.

It is primarily contended by the petitioners that the 5th respondent is not competent to issue such directions to keep the validly issued certificates in abeyance.

The learned Government Pleader for Social Welfare under instructions submitted that though it is a fact that the 5th respondent by letter dated 6-1-2006 directed the 3rd respondent to keep the caste certificates in abeyance, no such steps have been taken so far by the 3rd respondent. The learned Government Pleader further submitted that on the basis of the impugned letter dated 6-1-2006 a team of officers from TCR & TI, Hyderabad team along with Director, TCR & TI have conducted enquiries into ST status claims of 68 persons who obtained ST certificates and thereupon the Director (Tribal Welfare) submitted a report stating that the said 68 persons do not belong to Kondakapu Tribe. On the basis of the said report forwarded by the Director of Tribal Welfare, the District Collector, Visakhapatnam is yet to take the necessary action in accordance with the provisions of A.P. (Scheduled Castes, Scheduled Tribes & Backward Classes)

Regulation of Issue of Community Certificates Act 16 of 1993.

Since it is clear that no final order as such has been passed so far, the apprehensions of the petitioners are without any basis and the writ petition is premature.

In the circumstances, recording the statement of the learned Government Pleader, the Writ Petition is disposed of leaving it open to the respondents to take the necessary action on the basis of the report of the Director of Tribal Welfare, dated 9-8-2006 following due process of law.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 29-09-2006

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